

Amherst, New Hampshire
Aquifer Conservation District Ordinance of the Town of Amherst, New Hampshire
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Zoning Ordinance
Adopted: 1984

AQUIFER CONSERVATION DISTRICT ORDINANCE OF the TOWN OF AMHERST, NEW HAMPSHIRE

March 13 1984
Section 4-13 Aquifer Conservation District

Purpose--Pursuant to RSA 31:60 (674:16) and RSA 31:61A (674:21) and in order to help maintain the quality of living in the town of Amherst as set forth in the master plan, the town believes that an adequate water supply is indispensable to the health, welfare, and safety of its citizens. Such an adequate supply is also essential to the maintenance of the ecological balance of the natural environment of the town, an environment which the town wishes to protect. These water resources are subject to an ever increasing demand for new and competing uses. Thus, the town declares and determines that such water resources whether occurring above or below ground constitute a precious, finite, and invaluable public resource. These resources should be protected, conserved, and managed in the interest of present and future generations. the intent of this ordinance is to provide for the protection of the water resource~ from contamination by polluting, hazardous, or toxic materials.

Location--the Aquifer Conservation District is identified as those areas designated by blue shading or crosshatching which appear on State-wide mapping prepared by the U.S. Geological Survey (USGS) entitled 'Availability of Groundwater in the Lower Merrimack River Basin, Southern New Hampshire," by John E. Cotton, 1977, and as may be amended or superseded by the USGS or by the Planning Board as provided herein from time to time. This map is on display in the Zoning Office of the town of Amherst. the district shall include mapped primary and secondary recharge areas.

A. Permitted Uses

Any of the following uses, which may require a permit, that meet the purpose of the district outlined above and which comply with all of the following requirements and conditions:

1. Industrial or commercial uses, in the industrial and commercial zones respectively, which discharge no hazardous or toxic waste on site and which uses are nonpolluting;
2. Residential uses;
3. Activities designed for conservation of soil, water, plants, and wildlife;

4. Outdoor recreation activities except those which destroy the surfaces of hillsides, or other watershed areas;
5. Operation and maintenance of existing bodies of water, wells, dams, or other conservation devices; and
6. Forestry uses provided that the land is returned to its natural state in order to prevent loss of top soil, erosion, or alteration of the normal drainage patterns and flow. Agricultural uses where the land in question is planted with a cover crop when the use is terminated.

B. Prohibited Uses

the following uses are prohibited in this district:

1. Outdoor storage of road salt or other deicing chemicals and dumping of snow containing road salt or other deicing chemicals;
2. Solid waste disposal sites;
3. Septage disposal sites and lagoons;
4. Automotive repair shops, junkyards, automotive junkyards, and automotive salvage operations, as well as any similar use which might potentially affect water quality; and
5. Onsite storage of hazardous waste, or toxic materials, except temporarily as necessary in the ordinary course of business; a permit is required for such temporary storage.

C. Special Conditions

the following conditions shall apply to all uses in this district:

1. Sanitary wastewater discharge to septic and leaching systems shall conform to the regulations set forth in the town of Amherst Water Pollution Control Regulations;
2. All liquid or solid waste other than normal septic effluent shall be temporarily stored onsite and disposed of in a manner determined by the Planning Board;
3. Monitoring wells shall be established for all industrial and commercial uses utilizing or storing hazardous or toxic materials; the number, construction, and location of these wells shall be determined by the Planning Board; these wells shall be checked for compliance with the Interim Primary Drinking Water Regulations and Secondary Drinking Water Regulations as provided for in the Safe Drinking Water Act of 1974. the checking of wells shall take place on a monthly basis and the results reported to the Board of Health;
4. Storage of petroleum and refined petroleum products shall be aboveground in a manner

approved by the Fire Department unless Planning Board permission is obtained for subsurface storage. It shall be the responsibility of every applicant for such permit to demonstrate to the satisfaction of the Planning Board that subsurface storage can be accomplished in a manner which will not adversely affect the aquifer; subsurface storage of such materials is permitted only with permission of the planning Board and with such conditions specified to prevent the pollution of the aquifer; permits issued by the Board of Selectmen shall be for a period of not more than fifteen (15) years, renewable upon application;

5. Use of pesticides, herbicides, fertilizers, manure, and other potentially dangerous leachables shall be controlled in a manner determined by the Board of Health and in compliance with R3A 149D, 1A9D:7, 222, and the 1114 Code of Administrative Rules; storage of these materials shall not be outside;

6. When an industrial or commercial use changes on a site within this district to a use which involves the use, storage, or disposal of hazardous, or toxic materials, a nonresidential site review shall be required;

7. No more than 70 percent of a lot shall be rendered impervious; and

8. Stormwater drainage from aquifer sites shall be collected into catch or settling basins before leaving the site.

D. incorrectly Designated Zones

When the actual boundary of the Aquifer Conservation District is disputed, the planning Board, at the complainant's expense and authorization, may engage a professional geologist or hydrogeologist to determine the precise location of the Aquifer Conservation District boundaries in the properties affected. A report of his/her findings shall be submitted to the Planning Board and shall include, but not be limited to, the following:

1. A revised soils map of the area in question prepared by a soils scientist qualified in hydrologic studies along with a written report of his/her onsite field inspection and test boring data.

2. the planning Board shall adjust the boundary of this district based on the evidence provided as set forth above. it shall reserve the right to withhold action on any plat pending the results of an onsite inspection by the Board or its appointed agent and shall act to approve or disapprove the plan within ninety (90) days of submission or such further time as deemed necessary, but not to exceed an additional ninety (90) days.

K. Administration

All existing industrial and commercial uses utilizing or storing hazardous or toxic materials which are located within the Aquifer Conservation District must be reviewed by the Planning Board within six (6) months of the enactment of this ordinance and must be in compliance with

the conditions of this ordinance by January 1, 1986.

Nonconforming Uses

Nonconforming uses which exist at the time of adoption of this ordinance may continue unless that use is found by the Board of Selectmen in consultation with the Planning Board to be an imminent danger to the public health, safety, and welfare. In such cases, that use must be brought into conformance with this ordinance in a timely fashion as determined by the Board of Selectmen or the Board of Health.